

## **REMARKS**

Claims 1-13 and 56-85 are pending.

Claims 1-8, 56-64, 70-79, 84 and 85 stand rejected.

Claims 9-13, 65-69, and 79-83 are objected to as being dependent upon a rejected base claim.

Claims 1, 57, 71, and 85 have been amended. Claim 85 has been amended for clarity to properly r

### **Claim Rejection - 35 U.S.C. § 103**

Claims 1-8, 56-64, 70-78, and 84-85 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Meyer article “eWorkbench: Real-Time Tracking of Synchronized Goals” (hereinafter “*Meyer*”) and “Making Reviews More Efficient and Fair” (hereinafter “*Dutton*”) and “Appraisal Software Ends HR Paper Chase” (hereinafter “*Mottl*”) in view of CultureWorx, as disclosed in *Dutton*, and further in view of “Power-Charging People’s Performance” (hereinafter “*Elliot*”). Applicants respectfully traverse the rejection.

Claims 1, 57, and 71 include “storing a primary goal of the first goal type”, “determining content for a user interface, based on the first and second rules, such that the content directs a user of the user interface in generation of content of a secondary goal of the second goal type that causes alignment of the secondary goal with the primary goal of the first goal type”. Claims 1, 57, and 71 further include “determining, with the computer system, if the primary goal has been modified” and “if the primary goal has been determined to have been modified, generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal, wherein generating an alignment warning comprises generating an alignment warning for display to alert a viewer of the display of the alignment warning.” Claims 7-11, 65-67, and 77-11 also relate to alignment information and alignment warnings. Objected to claims 9, 65, 79 specifically relate to “highlighting the alignment warning object in response to determining that the parent goal has been modified.”

As discussed in more detail below, Applicants respectfully submit that *Meyer* in view of *Dutton*, *Mottl*, and *Elliot* does not teach or suggest “determining, with the computer system, if the primary goal has been modified” and, thus, neither teaches nor suggests “if the primary goal has been determined to have been modified, generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal, wherein generating an alignment warning comprises generating an alignment warning for display to alert a viewer of the display of the alignment warning.” Claims 1, 57, and 71.

*Meyer* teaches a system referred to as ‘eWorkbench’ that “lets managers and line employees create and track goals, and align them with their employer’s broad objectives.” *Meyer*, para. 2. Once a goal is entered using eWorkbench, “By clicking on the “Align” button, the user is presented with a list of his manager’s goals; he then clicks on the appropriate one to link it with his own.” *Id.*, para. 4. In subsequent paragraphs, *Meyer* teaches that progress towards goals can be checked and updated.

*Elliot* reiterates the importance of an organization’s ability to effectively communicate organization goals. *Elliot* relates to the improvement of employee work performance through understanding of the goals of the employee’s organization, identifying major accomplishments that support those goals, and assistance in meeting those goals. See, *Elliot*, Abstract and paras. 13 and 18.

The Examiner states:

the CultureWorx automated system interactively coaches managers (*Dutton*: ¶¶ 24-25), promotes goal alignment within an organization, and provides managers with the continuous feedback that they need to “allow them to make strategic adjustments within their departments to better align their work to corporate goals ... CultureWorx keeps the corporate goals to the fore, helping employees avoid tailoring their goals to particular incentives” (*Dutton*: ¶25), which is suggestive of providing notices regarding alignment between a primary and secondary goal. In other words, CultureWorx encourages dynamic goal modification (i.e., “strategic adjustments”) as needed to align employees’ goals with corporate ones. Office Action, pp. 5-6.

Applicants respectfully disagree that *Dutton* teaches or suggests “providing notices regarding alignment between a primary and secondary goal.” *Dutton* specifically teaches that:

For managers, such realtime, continuous-feedback systems can help them provide specific performance information before ineffective behaviors become bad habits. They[, the systems,] also allow them[, the managers,] to make strategic adjustments within their departments to better align their work to corporate goals. In the case of incentive rewards, CultureWorx keeps the corporate goals to the fore, helping employees avoid tailoring their goals to particular incentives. *Dutton*, para. 25.

Applicants respectfully submit that *Dutton* does not teach “determining, with the computer system, if the primary goal has been modified.” Claims 1, 57, and 71. The Examiner cites no specific teaching in *Dutton* of “determining, with the computer system, if the primary goal has been modified.” *Id.* The Examiner states that *Dutton* suggests “providing notices regarding alignment between a primary and secondary goal.” Office Action, pp. 5-6. However, Applicants respectfully submit that to “allow [the managers] to make strategic adjustments within their departments to better align their work to corporate goals” provides no teaching or suggestion of “determining, with the computer system, if the primary goal has been modified.” *Id.* In other words “mak[ing] strategic adjustments ... to better align their work to corporate goals”, as taught by *Dutton*, provides no indication as to whether a “primary goal has been modified”. claims 1, 57, and 71. The Examiner seems to suggest that simply having corporate goals and seeking alignment with corporate goals suggests “determining, with the computer system, if the primary goal has been modified.” Claims 1, 57, and 71. However, Applicants respectfully submit that *Dutton* itself contains no such suggestion, that the existence of a corporate goal and seeking alignment does not suggest “determining, with the computer system, if the primary goal has been modified”, and any such interpretation would be hindsight. *Id.*

The Examiner further states that, “EWorkbench lets HR change an employee’s goals and objectives as corporate goals and objectives change” (*Mottl*: pp. 226-227),

thereby indicating that a determination is made that a primary goal (e.g. corporate goals and objectives) has been modified.” Office Action, p. 6.

Thus, *Mottl* does teach that corporate goals and objectives can change. *Mottl* suggests that HR somehow becomes aware of changes in corporate goals and objectives. However, Applicants respectfully submit that *Mottl* contains no teachings or suggestions about how HR becomes aware of changes in corporate goals and objectives. More specifically, Applicants respectfully submit that *Mottl* also neither teaches nor suggests “determining, with the computer system, if the primary goal has been modified.” Claims 1, 57, and 71.

In addition to not teaching about how HR becomes aware of changes in corporate goals and objectives, *Mottl* neither teaches nor suggests “if the primary goal has been determined to have been modified, generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal, wherein generating an alignment warning comprises generating an alignment warning for display to alert a viewer of the display of the alignment warning.” Claims 1, 57, and 71. The Examiner cites to case law directed towards “using a computer system to perform steps that the prior art discloses as commonly performed manually is simply “the adaptation of an old idea or invention ... using newer technology that is commonly available and understood in the art ...””. Office Action, p. 3, citing *Leapfrog Enterprises, Inc. v. Fischer Price, Inc.*, 485 F.3d 1157, 82 USPQ2d 1687 (Fed. Cir. 2007) at 1691.

Applicants respectfully submit that “generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal, wherein generating an alignment warning comprises generating an alignment warning for display to alert a viewer of the display of the alignment warning” is not simply “using a computer system to perform steps that the prior art discloses as commonly performed manually.” *Mottl* does not teach or suggest how HR becomes aware of changes in corporate goals and objectives. Accordingly, specifically “generating an alignment warning with the computer system to provide

notice regarding alignment between the modified primary goal and the secondary goal, wherein generating an alignment warning comprises generating an alignment warning for display to alert a viewer of the display of the alignment warning” cannot be “using a computer system to perform steps that the prior art discloses as commonly performed manually.”

Accordingly, since *Meyer* in view of *Dutton*, *Mottl*, and *Elliot* neither teaches nor suggests “determining, with the computer system, if the primary goal has been modified” it follows that *Meyer* in view of *Dutton*, *Mottl*, and *Elliot* also neither teaches nor suggests ““generating an alignment warning with the computer system to provide notice regarding alignment between the modified primary goal and the secondary goal, wherein generating an alignment warning comprises generating an alignment warning for display to alert a viewer of the display of the alignment warning.” Claims 1, 57, and 71.

Applicants respectfully submit that for at least the foregoing reasons *Meyer* in view of *Dutton*, *Mottl*, and *Elliot* fails to teach or suggest claims 1, 57, and 71.

For at least the same reasons, Applicants respectfully submit that claims directly or indirectly dependent upon claims 1, 57, or 71 are also allowable.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-8, 56-64, 70-78, and 84-85.

## CONCLUSION

Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

### CERTIFICATE OF TRANSMISSION

I hereby certify that on May 26, 2009, this correspondence is being transmitted via the U.S. Patent & Trademark Office's electronic filing system.

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Respectfully submitted,

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